

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WILLIAM R. DAVIS,	§
	§ No. 322, 2009
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Sussex County
STATE OF DELAWARE,	§
	§
Plaintiff Below-	§
Appellee.	§

Submitted: June 16, 2009

Decided: June 29, 2009

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices.

ORDER

This 29th day of June 2009, it appears to the Court that:

(1) This is an appeal from a decision of the Superior Court dated May 5, 2009. On June 3, 2009, the Clerk of the Court issued a notice to show cause to the appellant, William R. Davis, directing him to show cause why his appeal should not be dismissed on jurisdictional grounds. Davis responded to the notice to show cause on June 16, 2009.

(2) The record before us reflects that Davis wrote a “letter” to the Superior Court on April 29, 2009, which was date-stamped by the Prothonotary on May 4, 2009. By letter dated May 5, 2009, the Superior Court judge informed Davis that his “letter” was being returned to him

because a search of the Superior Court docket revealed no active cases involving him. This appeal followed.

(3) In his April 29, 2009 “letter,” Davis purports to make a claim for damages as a result of personal injuries suffered in a 1989 altercation in the Justice of the Peace Court and a request for the appointment of counsel. While it appears that Davis intended his “letter” to initiate a new case in the Superior Court, the Superior Court judge misconstrued his “letter” as an attempt to file a document in an existing case. Under these circumstances, we conclude that the notice to show cause must be discharged and this matter remanded to the Superior Court for docketing and processing of Davis’ “letter” in the ordinary course.

NOW, THEREFORE, IT IS ORDERED that the Superior Court’s May 5, 2009 decision is VACATED and this matter is REMANDED to the Superior Court in accordance herewith. Jurisdiction is not retained.¹

BY THE COURT:

/s/ Henry duPont Ridgely
Justice

¹Davis’ motion to append notice to show cause addendum, filed on June 24, 2009, is denied as moot.